IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 16630 of 2005

Between:

Kada Satyanarayana and others

..... PETITIONERS

AND

The Government of Andhra Pradesh,

repby Secrtary, Municipal Administration &

Urban Development, Department Secretariat,

Hyderabad and others

.....RESPONDENTS

ORDER:

Seeking to issue a Mandamus, declaring the action of the respondents in merging the surrounding Gram Panchayats of Kakinada to which the petitioners are acting as Sarpanches into Kakinada Municipal Corporation, as illegal and arbitrary, the present writ petition is filed.

It is stated that the petitioners are the Sarpanches of their respective Gram Panchayats of East Godavari District. The

5th respondent issued a memo dated 30.04.2005 to the petitioners stating that the Government has proposed to merge 16 Gram Panchayats including the petitioners' Panchayats into Kakinada Municipal Corporation and directed them to express their

views in this regard. The petitioners, after conducting general body meeting, passed resolutions opposing the proposal of merging of the Gram Panchayats into Kakinada Municipal Corporation, and submitted the same to the 5th respondent. Subsequently, the 2nd respondent issued a show cause notice dated 16.06.2005, stating that the Government has decided to merge all the 16 Gram Panchayats into Kakinada Municipal Corporation, directing the petitioners to show cause as to why the resolutions passed by them, opposing the proposal to merge the panchayats into Kakinada Municipal Corporation, cannot be cancelled, for which the petitioners submitted their respective explanations. Before passing of final orders by the Government in the subject matter, the petitioners filed this writ petition, seeking the relief referred to above.

Heard the learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj and Rural Development.

The writ petition is premature, which is filed basing on show cause notice issued by the 2nd respondent. The petitioners submitted their explanations to the said show cause notice and the Government has to pass final orders thereon. In the circumstances, this Court cannot entertain this writ petition by invoking it jurisdiction under Article d226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. It is needless to mention that the petitioners are at liberty to approach this Court soon after passing of final orders by the Government and if they aggrieved by the said orders. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 28.07.2005

Dsr